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5 Attorneys for Witness
6 MAO CAI SUN

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 In Re Material Witnesses
13 (M/V COSCO BUSAN)

) Case No. 07-90552-MISC-VRW (JCS)

) **STIPULATION AND [PROPOSED]**
) **ORDER RELEASING MATERIAL**
) **WITNESS MAO CAI SUN FROM**
) **MATERIAL WITNESS WARRANT AND**
) **CONDITIONS IMPOSED UNDER 18**
) **U.S.C SECTIONS 3144 AND 3142**

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19 This stipulation is made by and between the United States of America, Fleet Management
20 Limited, John Joseph Cota and Material Witness Mao Cai Sun, by and through their respective
21 attorneys of record.

22 **RECITALS**

23 The stipulation is based on the following facts:

24 1. Mai Cai Sun (hereinafter "Material Witness") was arrested as a Material Witness
25 pursuant to 18 U.S.C. Section 3144 on or about December 20, 2007 in connection with the
26 government's investigation of the M/V Cosco Busan's allision with the Bay Bridge.

27 2. On January 3, 2008, this Court imposed conditions of release and appearance on

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STIPULATION AND [PROPOSED] ORDER RELEASING MATERIAL WITNESS MAO CAI SUN FROM
MATERIAL WITNESS WARRANT AND CONDITIONS IMPOSED UNDER 18 U.S.C. SECTIONS 3144 AND 3142
Case No. 07-90552-MISC-VRW (JCS)

1 the Material Witnesses pursuant to 18 U.S.C. Section 3142. Since that time, the Material Witness
2 has been required to remain in the Northern District of California pending trial or deposition.

3 3. This Court previously ruled, on November 7, 2008, that it would rescind the
4 Material Witness warrant as to Material Witness Mao Cai Sun upon completion of his Rule 15
5 deposition. As a precondition for this rescission, the Court required the Material Witness to do
6 the following: (1) Sign his deposition transcript in the case of *United States of America v. John*
7 *Cota, et al.*, Case No. CR 08-0160 SI; (2) Accept service of a trial subpoena for the April 6, 2009
8 trial; (3) Authorize his counsel to accept service in the future; and (4) Provide a point of contact
9 and an alternative point of contact in China.

10 4. Mr. Sun's Rule 15 deposition was completed on Thursday, January 29, 2009. On
11 February 19, 2009, Mr. Sun signed the deposition transcript under oath and was personally
12 served with a trial subpoena. He also authorized his counsel, Douglas R. Schwartz, to accept
13 service of process in the future for any subsequent trial subpoena in this case. Mr. Sun has
14 provided point of contact information to his counsel, who in turn has provided them to the United
15 States. He has satisfied all requirements imposed upon him.

16 5. The parties hereby stipulate that Material Witness Mao Cai Sun has fulfilled each
17 of the conditions imposed by the Court as set forth above and should be released forthwith.

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1 DATED: February 20, 2009

Respectfully submitted,

2 SCHWARTZ & CERA LLP

3
4 By: 

Douglas R. Schwartz
Counsel for Material Witness
Mao Cai Sun

5
6
7 JOSEPH P. RUSSONIELLO

United States Attorney

8 BRIAN J. STRETCH

Chief, Criminal Division

9
10
11 By: _____

Jonathan Schmidt
Assistant United States Attorney
Counsel for Plaintiff
United States of America

12
13
14 KESSAL, YOUNG & LOGAN

15
16 By: _____

Marc C. Greenberg
John Cox
Counsel for Defendant
Fleet Management

17
18
19 K&L GATES LLP

20
21 By: 

Jeffrey L. Bornstein
Counsel for Defendant
John Cota

22
23
24
25 IT IS SO ORDERED.

26 Dated: _____

27 HONORABLE JOSEPH C. SPERO
United States Magistrate Judge

28 - 3 -

1 DATED: February __, 2009

Respectfully submitted,

2 SCHWARTZ & CERA LLP

3
4 By: _____
5 Douglas R. Schwartz
6 Counsel for Material Witness
7 Mao Cai Sun

8 JOSEPH P. RUSSONIELLO
9 United States Attorney
10 BRIAN J. STRETCH
11 Chief, Criminal Division

12 By: _____
13 Jonathan Schmidt
14 Assistant United States Attorney
15 Counsel for Plaintiff
16 United States of America

17 KESSAL, YOUNG & LOGAN

18 By: _____
19 Marc C. Greenberg
20 John Cox
21 Counsel for Defendant
22 Fleet Management

23 K&L GATES LLP

24 By: _____
25 Jeffrey L. Bornstein
26 Counsel for Defendant
27 John Cota

28 IT IS SO ORDERED.

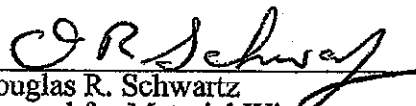
Dated: _____

HONORABLE JOSEPH C. SPERO
United States Magistrate Judge

1 DATED: February 20, 2009

Respectfully submitted,

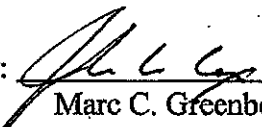
2 SCHWARTZ & CERA LLP

3
4 By: 
5 Douglas R. Schwartz
6 Counsel for Material Witness
7 Mao Cai Sun

8 JOSEPH P. RUSSONIELLO
9 United States Attorney
10 BRIAN J. STRETCH
11 Chief, Criminal Division

12 By: _____
13 Jonathan Schmidt
14 Assistant United States Attorney
15 Counsel for Plaintiff
16 United States of America

17 KESSAL, YOUNG & LOGAN

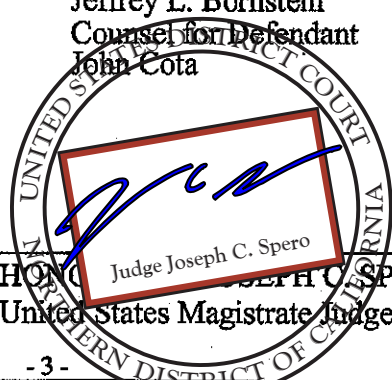

18 By: 
19 Marc C. Greenberg
20 John Cox
21 Counsel for Defendant
22 Fleet Management

23 K&L GATES LLP

24 By: _____
25 Jeffrey L. Bornstein
26 Counsel for Defendant
27 John Cota

28 IT IS SO ORDERED.

Dated: February 26, 2009


HONORABLE  JUDGE JOSEPH C. SPERO
United States Magistrate Judge